

REMARKS

By the present amendment, Applicant proposes to amend Claims 9 and 12, and cancel Claim 11. Upon entry of the proposed amendment, independent Claims 9 and 12, with Claims 10 and 13-14, respectively depending therefrom will remain for consideration.

Applicant's representative was unable to contact the Examiner to arrange a personal interview before expiration of the current period for response. Applicant herein requests a personal interview in accordance with MPEP § 713.01 to discuss the merits of the present invention and to consider the effects of the present amendment thereon. Applicant's representative will contact the Examiner to arrange a convenient date for the interview.

The Examiner rejected Claim 11 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled Claim 11, thus rendering this particular grounds of rejection moot.

The Examiner rejected Claims 9 and 12 under 35 U.S.C. 102(b), as being anticipated by Eastep. The Examiner rejected Claims 10, and 13 under 35 U.S.C. 103(a) as being unpatentable over Eastep. The Examiner rejected Claim 14 under 35 U.S.C. 103(a) as being unpatentable over JP 2-296937 in view of Eastep.

Applicant has amended independent Claims 9 and 12 to recite the limiting transitional phrase "consisting essentially of." Applicant respectfully submits that for at least this reason, independent Claims 9 and 12 are patentably distinguishable over the prior art applied of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

With respect to the rejection of Claims 9 and 12, the applied prior art reference to Eastep is an auxiliary water heater for use in the vicinity of a faucet. The water heater includes a tank having an inlet, an outlet, storage volume, an electrical heater, and an electrical connection. The tank of Eastep is in the form of a comb, rather than the serpentine form, as claimed. Further, the device of Eastep requires an electrical energy source to provide power to the electrical heater used to keep the water stored in the tank heated. Applicant respectfully submits that the applied prior art reference to Eastep is not an anticipatory reference of independent Claims 9 and 12.

With respect to the rejection of Claims 10 and 13, the applied prior art reference to Eastep, as discussed above, does not show a tank having a serpentine form, as claimed. Therefore, one having ordinary skill in the art would not have found it obvious to provide a distinct volume size as recited in the instant claims. Applicant respectfully requests the withdrawal of this particular grounds of rejection.

With respect to the rejection of Claim 14, this rejection is improper because Claim 14 is dependent on Claim 12, and the application of the JP 2-296937 reference as a primary reference is unfounded. Albeit, the alleged combination, as stated by the Examiner, of the applied prior art reference of JP 2-296937 and the applied prior art reference to Eastep is without merit, because neither reference discloses the storage tank having a serpentine form, as claimed. Therefore, one having ordinary skill in the art would not have found any guidance or motivation in the applied references that would have rendered the instantly claimed embodiment obvious. Applicant respectfully requests the withdrawal of this particular grounds of rejection.

Application Serial No.: 10/768,150
Art Unit: 3751

Attorney Docket No. 24024.00
Confirmation No. 6427

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Warren S. Edmonds
Registration No. 39,642
(703) 486-1000

RCL:DHT:wse